

operating schedules and are necessary for flight regularity;

(v) Concerning non-routine landings to be made by aircraft en route or about to depart;

(vi) Concerning parts or materials urgently needed to operate aircraft en route or scheduled to depart within 48 hours; or

(vii) Concerning pre-flight arrangement of air navigation services and, in the case of non-scheduled or irregular operations, operational servicing of aircraft scheduled to depart within 48 hours.

(2) Messages originated by and addressed to aircraft operating agencies or their representatives that directly bear on the efficient and economic conduct or day to day operations, if adequate non-United States communications facilities are not available and the messages concern—

(i) Matter described in paragraph (b)(1) of this section, but not meeting the time limitations described in paragraph (b)(1) of this section;

(ii) Aircraft parts, equipment, or supplies, air navigation or communications, or essential ground facilities;

(iii) Train or hotel reservations for passengers or employees;

(iv) Lost baggage or personal effects;

(v) Tickets or cargo shipments and payment therefore;

(vi) Location of passengers and cargo;

(vii) New or revised passenger or cargo rates;

(viii) Crew assignments and similar operations personnel matters taking effect within 7 days;

(ix) Post flight reports for record purposes;

(x) Publicity and special handling regarding dignitaries; or

(xi) Reservations, when originated by aircraft operating agencies to secure space required in transport aircraft.

#### **§ 189.5 Limitation of liability.**

The United States is not liable for any omission, error, or delay in transmitting or relaying, or for any failure to transmit or relay, any message accepted for transmission or relayed under this part, even if the omission, error, delay, or failure to transmit or relay is caused by the negligence of an employee of the United States.

## **PART 191—PROTECTION OF SENSITIVE SECURITY INFORMATION**

Sec.

191.1 Application and definitions.

191.3 Records and information withheld by the Federal Aviation Administration.

191.5 Records and information protected by others.

191.7 Sensitive security information.

AUTHORITY: 49 U.S.C. 106(g), 5103, 40113, 40119, 44701–44702, 11705–44706, 44901–44907, 44913–44914, 44932, 44935–44936, 46105.

SOURCE: Docket No. 27965, 62 FR 13744, Mar. 21, 1997, unless otherwise noted.

### **§ 191.1 Applicability and definitions.**

(a) This part governs the release, by the Federal Aviation Administration and by other persons, of records and information that has been obtained or developed during security activities or research and development activities.

(b) For purposes of this part, “*record*” includes any writing, drawing, map, tape, film, photograph, or other means by which information is preserved.

(c) The authority of the Administrator under this part is also exercised by the Assistant Administrator for Civil Aviation Security and the Deputy Assistant Administrator for Civil Aviation Security, and any other individual formally designated to act in their capacity. For matters involving the release or withholding of information and records containing information described in § 191.7 (a) through (g), and related documents described in (l), the authority may be further delegated. For matters involving the release or withholding of information and records containing information described in § 191.7 (h) through (k), and related documents described in (l), the authority may not be further delegated.

[Doc. No. 27965, 62 FR 13744, Mar. 21, 1997; Amdt. 191–4, 62 FR 15752, Apr. 2, 1997]

### **§ 191.3 Records and information withheld by the Federal Aviation Administration.**

(a) Except as provided in § 191.3 (c) and (d), and notwithstanding 5 U.S.C. 552 or other laws, the records and information described in §§ 191.7 and 191.3(b) are not available for public inspection